

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY. 12207-2936 •

5 **Unified United States Common Law Grand Jury;**
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace
U.S. DISTRICT COURT
N.D. OF N.Y.

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY:

SEP 11 2017

10 **Grand Jury, Sovereigns of the Court**
We the People

- Against -

Lawrence E. Kahn

Defendant(s)

LAWRENCE K. BAERMAN, CLERK
ALBANY

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

**WRIT MANDAMUS
SHOW CAUSE OR ACT**

15 Magistrate Daniel J. Stewart is commanded to Take Judicial Notice¹ of the following and
is commanded to Act or Show Cause by what Authority you have not acted. We the
People in this court of record do accept Magistrate Daniel J. Stewart's bond and oath.

*"Silence [or failure to act] can only be equated with fraud where there is a
legal or moral duty to speak, or where an inquiry left unanswered would be
intentionally misleading..."²*

20 *"It is the duty of the courts to be watchful for the Constitutional rights of the
citizen and against any stealthy encroachments thereon."³*

¹ JUDICIAL COGNIZANCE. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. Black's Law, 5th Edition. Jurisdiction is the authority by which courts and judicial officers take cognizance of and decide cases. Board of Trustees of Firemen's Relief and Pension Fund of City of Marietta v. Brooks, 179 Okl. 600, 67 P.2d 4, 6; Morrow v. Corbin, 122 Tex. 553, 62 S.W.2d 641; State v. Barnett, 110 Vt. 221, 3 A.2d 521, 526; JUDICIAL NOTICE. The act by which a court, in conducting a trial, or framing its decision, will, of its own motion, and without the production of evidence, recognize the existence and truth of certain facts, having a bearing on the controversy at bar, which, from their nature, are not properly the subject of testimony, or which are universally regarded as established by common notoriety, e. g., the laws of the state, international law, historical events, the constitution and course of nature, main geographical features, etc. North Hempstead v. Gregory, 53 App.Div. 350, 65 N.Y.S. 867; State v. Main, 69 Conn. 123, 37 A. 80, 36 L.R. A. 623, 61 Am.St.Rep. 30.

² U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

³ Boyd v. United States, 116 U.S. 616, 635.

WRIT MANDAMUS

Page 1 of 9

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."⁴

25 "We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."⁵

30 **MAGISTRATE DANIEL J. STEWART IS TO TAKE
JUDICIAL NOTICE⁶ OF ADJUDICATIVE FACTS⁷**

35 **LAWRENCE E. KAHN LIED AND COLLUDED TO DISMISS THIS CASE** - In the unlawful dismissal [US Judge] Lawrence E. Kahn's, hereinafter "Dishonorable Lawrence E. Kahn" claimed that on April 19, 2017, the federal defendants in this case asked the Court, via a "letter motion", to "*dismiss the case on the ground that Plaintiff, as an apparently unincorporated organization, cannot proceed without counsel*". Via "Letter Motion". Whereas ~~We~~ the People did not receive a "NOTICE OF MOTION" nor were ~~We~~ the People notified of any hearing concerning the same. Furthermore, there is no such thing as a "letter motion", we find no definition of the same in the Federal Rules, Bouvier's or Blacks Law dictionary, nor did said "letter motion" satisfy Rule 12.1.

40 As per Federal Rule 12.1 Motions and Other Papers; in order for an individual to move the court a formal "NOTICE OF MOTION" must be:

- 1) served upon the other parties no less than **THIRTY-ONE CALENDAR DAYS** prior to the return date of the motion.
- 2) have a return date.
- 45 3) moving party must specifically articulate the relief requested.
- 4) must set forth a factual basis which, "**IF PROVEN TRUE**", would entitle the moving party to the requested relief.

⁴ Downs v. Bidwell, 182 U.S. 244 (1901).

⁵ Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200.

⁶ **Judicial Notice of Adjudicative Rule 201 Facts (2)(c)(2) Taking Notice:** The court: must take judicial notice if a party requests it and the court is supplied with the necessary information.

⁷ **Adjudicative Fact:** A fact that is either legally operative or even so important as to be controlling on some question of law. **Adjudicative facts** are those which concern the parties to some dispute and are helpful in determining the proper outcome in the case.

5) We the People must have the opportunity to file opposing papers.

6) a certificate of service is required at the conclusion of the motion.

50 We the People were not served with a 31 day notice with a return date, the moving party did not set forth and prove any factual basis, We the People were given no opportunity to file opposing papers and no certificate of service was provided. Therefore, no Motion was made and it is obvious that the defense lawyer(s) colluded, via a wink, a nod and a letter, with the Dishonorable Lawrence E. Kahn to commit felony-rescue.

55 We the People are not an organization; we are the self-impaneled Grand Jury no different than the first known recorded self-impaneled grand Jury in 1215 that required Justice through the Magna Carta. And whom, from time to time, empaneled themselves but were more usually empaneled by the Coroner or Sheriff. In the last few decades the minions of the court a/k/a bar-lawyers have seized control of our Judiciary and subverted our Article
60 III Courts.

We the People are no different than the People who dissolved our political bands with Britain through the Declaration of Independence.

We the People are no different than We the People who "*Ordained and Established the Constitution for the United States of America*".

65 We the People are those whose names are on every criminal complaint sanctioned by the Grand Jury since the inception of our Nation and before. We the People are the People of the 5th Amendment a/k/a the Grand Jury. We the People are the People of the 6th Amendment a/k/a the Jury. We the People are the People of the Kings Bench; this is "OUR COURT" and not the Dishonorable Lawrence E. Kahn's court, nor any other judge
70 or magistrate.

The Dishonorable Lawrence E. Kahn stated that "*the court*⁸ *may sua sponte dismiss an action*". Whereas, this is not the Dishonorable Lawrence E. Kahn's court it's We the Peoples' (Jury's) court. Summary proceedings⁹ are not permitted in a court of record.

⁸ Black's Law defines a Court as "*the person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be.; An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority.*" - *Isbill v. Stovall*, Tex.Civ.App., 92 S.W.2d 1067, 1070.

75 "As to the construction, with reference to Common Law, an important canon of
 construction is that constitutions must be construed to reference to the Common
 Law." The Common Law, so permitted destruction of the abatement of nuisances by
 summary proceedings and it was never supposed that a constitutional provision was
 80 intended to interfere with this established principle and although there is no
 common law of the United States in a sense of a national customary law as
 distinguished from the common law of England, adopted in the several states. In
 interpreting the Federal Constitution, recourse may still be had to the aid of the
 Common Law of England. It has been said that without reference to the common
 law, the language of the Federal Constitution could not be understood." -- 16Am
 Jur 2d., Sec. 114

85 The Dishonorable Lawrence E. Kahn cannot second guess the Jury. All judges are
 magistrates in a court of record whose only duty is to administer the will of the Jury not his
 own. A judge may act SUA SPONTE only when he is the lone jurist in an equity court.
 Whereas, this is a court of Law, a/k/a a Court of Record, not an equity court.

90 On June 14, 2017, Dishonorable Lawrence E. Kahn acting under the color of law
 committed fraud on the court by conspiring with others to fraudulently remove documents
 through an unlawful order stating for his cause to dismiss.

"If Plaintiff does not obtain counsel to represent it within thirty days, the
 action shall be dismissed with prejudice." See decision and order dated June
 14, 2017, filed with the court.

95 Whereas, we had already made it clear on May 11, 2017 that;

"We will call upon Attorney General Sessions to send U.S. Prosecutors ... to
 prosecute our indictments in this Court of Record, which will be the beginning
 of restoring Justice in our courts." See Information Brief Clarifying this
 Extraordinary Proceeding dated May 11, 2017, filed with the court.

100 On June 19, 2017, ~~We~~ the People through the Grand Jury filed a "Writ of Error" with this
 court which clearly stated:

"The U.S. Attorney General will be providing U.S. Prosecutors or approve a
 special common law prosecutor." See "Writ of Error" dated June 14, 2017,
 filed with the court.

⁹ Summary proceeding: [Blacks 4th] "Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law." -- Sweet see Phillips v. Phillips, 8 N.J.L. 122.

**LAWRENCE E. KAHN IS IN BAD BEHAVIOR AND IS
THEREFORE NO LONGER A U.S. DISTRICT JUDGE**

"The judges, both of the supreme and inferior courts, shall hold their offices during good behavior..." -- U.S Constitution Article III Section 1.

OBEDIENCE TO THE LAW OF THE LAND IS GOOD BEHAVIOR - *"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."* -- U.S. Constitution Article VI

On July 17, 2017, a true bill of indictment was filed by the Grand Jury against Dishonorable Lawrence E. Kahn for acting under Color of Law in an attempt to seize control of this court in order to cover-up crimes and was charged with Concealment, Felony Rescue, Trespassed upon the case, Denial of due process, Manufacturing an Unlawful Order and Aiding and Abetting.

**MAGISTRATE DANIEL J. STEWART IS TO TAKE JUDICIAL NOTICE
OF THE PURPOSE OF THIS EXTRAORDINARY PROCEEDING**

On December 13, 2016, We the People filed a Memorandum of Facts that proved the Power and Authority of We the People which is being exercised through the Unified United States Common Law Grand Jury. This Grand Jury was overwhelmingly unified by re-constituting Common Law Grand Juries in all 3,133 United States counties and is composed of thousands of People. The purpose of this Grand Jury is to bring to Justice subverts both foreign and domestic acting under color of law within our governments. This Grand Jury will remain in session until we secure the nation from the tyrants at large and reinstate our Constitution within our courts.

On January 5, 2017, ~~We~~ the ~~Pe~~ople filed a Judicial Notice concerning this Extraordinary Process concluding that this is a case concerning subversion by enemies both foreign and domestic within our government, including our federal judiciary. ~~We~~ the ~~Pe~~ople have reported these subversions over the past year in all ninety-four federal district courts through "Informations" and the federal judiciary has not acted upon them. ~~We~~ the ~~Pe~~ople

over the past year have served writs upon all servants within our federal government demanding obedience to the Law of the Land and have filed said writs in all ninety-four federal district courts and the response has been a deafening silence as our elected servants continue in their lawlessness.

140 On January 9, 2017, We the People filed a Memorandum of Law in Support of Authority of the Grand Jury concluding that: We the People ordained and established the Constitution for the United States of America. We the People vested Congress with statute making powers. We the People defined and limited that power of statute making. We the People limited law making powers to ourselves alone. We the People did not vest the Judiciary with law making powers. We the People are the *"judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law."*

150 On January 9, 2017, We the People filed a Memorandum of Law concerning Jury Tampering & Stacking concluding that the "Federal Trial Handbook" tampers with the jury and robs We the Peoples' sovereign right to judge and that the federal questionnaire for Jurists, which asks many inappropriate questions has become a tool for trial judges and prosecutors to profile and stack the jury for favorable results for political favors and is therefore destructive to Liberty.

155 On January 9, 2017, We the People filed a Memorandum of Law in Support of Article III Courts concluding that Congress has been given power to create only Article III Courts of Record and equity courts ruled by American Jurisprudence; a/k/a "United States District Court for the District". These courts proceed under the rules of Common Law and all judges are bound to the law of the land and hold office ONLY WHEN THEY ARE OBEDIENT TO THE LAW OF THE LAND.

160 On January 9, 2017, We the People filed a Memorandum of Law In Support of Understanding Our Founding Documents concluding that the reading of the Federalist papers and the Anti Federalists papers bear absolute proof that the Constitution is not moot and was written by ordinary men with ordinary common sense meaning simply what it says; needing no BAR interpreter whose job it is to spread confusion and destroy the Constitution.

On January 13, 2017, We the People filed a Memorandum of Law in Support of Jurisdiction concluding that "All Article III courts are courts of record and are to proceed

under the rules of common law. Common law is nature's law ordained by God. Constitutions are an unalienable right ordained by sovereign People. Legislators are bound by the chains of the Constitution and have no authority to create governments or write laws outside those bonds. Any judge resting in fiction of law proceeds under the color of law and loses all immunity. Decisions of such an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court.

On March 1, 2017, We the People filed a Memorandum of Law in Support of Amendment II which is an unalienable right that has demonstrated throughout history its necessity of "*A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.*"

On April 17, 2017 We the People filed a Memorandum of Law in Support of the Common Law concluding that We the Sovereign People have unalienable rights under the Laws of Nature's God, a/k/a Common Law. We the People are not bound by statutes, codes or regulations. Congress has no authority to codify and license our rights and no court has the authority to enforce such repugnant statutes. Any judge restraining said rights is in bad behavior and will in due time suffer the wrath of the People through indictments and judgments in Courts of Justice.

On April 17, 2017, We the People filed a Memorandum of Law in Support of Standing concluding that We the Sovereign People provided for ourselves, through the Constitution, Courts of Justice called Article III Courts, where We the People have Standing whether we are one or a thousand. Since Congress doesn't have the backbone to start removing these seditious judges, acting in bad behavior, through impeachment for robbing the People of their Standing, due process and Article III Courts of Record, they will in due time suffer the wrath of We the Sovereign People through indictments and judgments in Courts of Record.

It has been our experience that both the Federal and State Judiciaries are at war with the Constitution and We the People, and are actively engaged in covering up subversion, murder, torture, manipulating evidence and RICO on a national level.

**MAGISTRATE DANIEL J. STEWART
IS TO BE COGNIZANT THAT:**

200 *"If anyone has been dispossessed without the legal judgment of his peers, from his lands, homes, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then it will be decided by the five and twenty jurors of whom*
205 *mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein." - Magna Carta Paragraph 52.*

It has been ~~We~~ the ~~Peoples~~' experience that lawyers claim they do not understand our papers and advise their victims to ignore our papers while judges mislabel or conceal our
210 papers and place the clerks in jeopardy. In both cases, the aforesaid are crimes in which judges and lawyers believe they are safe from justice by hiding behind the fiction. We follow the rules of the court and forms as much as possible and we use the language of our founding fathers, the U.S. Supreme Court, U.S. Constitution, Bill of Rights, Declaration of Independence, and the principles of the common law all of which are the Law of the Land;
215 So, if you never learned these things in school, please be advised that ignorance of the law is no excuse. Judges, magistrates and lawyers are expected to know the Law.

~~We~~ the ~~People~~ are not naive concerning the ploys of the lawless judiciary and have therefore filed this action not only in the Northern Federal District of New York but also with the United States Congress, United States Senate, United States Attorney General's
220 Office, President Trump and most importantly, ~~We~~ the ~~People~~, via the internet. And, if necessary, we will move this case to another Federal District for Action. In time, Justice will prevail and ~~We~~ the ~~People~~ will take back OUR courts.

If Magistrate Daniel J. Stewart continues in his silence (fraud), we will conclude that he is complicit with the Tyrant, the "Dishonorable Lawrence E. Kahn", in subversion against
225 the United States of America. Whereas, failure to respond within twenty days will result in bringing this issue before the Grand Jury for indictment.

JUSTICE "TRUMPS" FORM

230 **IN CONCLUSION**, it is the duty of Magistrate Daniel J. Stewart to advise the Grand Jury in any of its short-comings concerning its form, understanding that in the interest of Justice content prevails over form and that in the end Justice **MUST BE SERVED**.

235 **WHEREFORE**, Magistrate Daniel J. Stewart thus far has failed to act and administrate his
duties and ~~We~~ the People now command Magistrate Daniel J. Stewart to obey the Law of
the Land and act upon the following immediately or show cause by what authority you do
not act:

Correct the fraudulent order by Dishonorable Lawrence E. Kahn to dismiss and reinstate in
the interest of Justice under Rule 41 or show cause by what authority you do not act.

240 Sign and enter into the record the default by Governor A. Cuomo, N.Y.S. Senate Majority
Leader John J. Flanagan and N.Y.S. Assembly, Speaker Carl E. Heastie; Defendants and
return three copies or show cause by what authority you do not act.

Dated: September 8, 2017

245 SEAL


Grand Jury Foreman

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**
• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

Governor A. Cuomo, N.Y.S. Senate Majority
Leader John J. Flanagan and N.Y.S. Assembly
Speaker Carl E. Heastie
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

Decision and Order

Default Judgment; Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default."* FRCP Rule 55(a); FRCP Rule 58(b)(2); 28 U.S.C. §2243.

COMES NOW THE ABOVE-ENTITLED COURT OF RECORD, to review the record, summarily determine the facts, and dispose of the matter as law and justice require.⁴

¹ The UUSCLGJ is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ 28 U.S.C. §2243.

The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

NOW, THEREFORE, THIS COURT OF RECORD issues this Default Judgment Coram Ipso Rege to dispose of the matter as law and justice require, to wit:

SUMMARY

On April 1, 2017, the Grand Jury acting as the Sureties of the Peace on behalf of the People filed in the above-entitled court of record and served upon the Governor and both houses of New York, a writ mandamus to show cause by what authority they act statutorily against the People thereby infringing upon the Peoples' unalienable right to keep and bear arms, protected by the 2nd Amendment and therefore turning a right into a crime thereby being repugnant to both the Constitution for the United States of America and the New York State Constitution.

"The claim and exercise of a constitution right cannot be converted into a crime." -- Miller v. U.S. 230 F 486 at 489

"There can be no sanction or penalty imposed upon one because of his exercise of Constitution rights." -- Sherar vs. Cullen 481 F 2D 946, (1973)

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" -- Miranda v. Arizona, 384 U.S. 436, 491

The Writ Mandamus to Show Cause presented issues of both fact and law. All respondents were duly⁵ served with the Order to Show Cause. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings.

JURISDICTION OF THIS COURT

Article III Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

⁵ Duly: According to law, in both form and substance. Black's 6th.

AUTHORITY OF THE GRAND JURY AS SURETIES OF THE PEACE

"If any of our civil servants shall have transgressed against any of the people in any respect; and, they shall ask us to cause that error to be amended without delay; or, shall have broken some one of the articles of peace or security; and, their transgression shall have been shown to four (4) Jurors of the aforesaid twenty five (25); and, if those four (4) Jurors are unable to settle the transgression, they shall come to the twenty-five (25), showing to the Grand Jury the error which shall be enforced by the law of the land." Magna Carta, June 15, A.D. 1215, 61.

Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *"The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury'. Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions. Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."*

"[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906). Although the grand jury normally operates, of

course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

FINDINGS OF FACT

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

CONCLUSIONS OF LAW

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

IT IS ORDERED AND ADJUDGED THAT:

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

THE COUNTY SHERIFFS IS HEREIN ORDERED to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the Sovereign People for the exercising of their unalienable "*right to keep and bear Arms*", protected by the 2nd

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*⁶

THE COURT, entered this _____ day of _____, 2017.

SEAL

Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for ~~We~~ the People

SEAL


Grand Jury Foreman

⁶ Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20

**UNITED STATES DISTRICT COURT FOR
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Grand Jury, Sovereigns of the Court

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COMES NOW THE ABOVE-ENTITLED COURT OF RECORD, to review the record, summarily determine the facts, and dispose of the matter as law and justice require.⁴

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The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

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SUMMARY

On April 1, 2017, the Grand Jury acting as the Sureties of the Peace on behalf of the People filed in the above-entitled court of record and served upon the Governor and both houses of New York, a writ mandamus to show cause by what authority they act statutorily against the People thereby infringing upon the Peoples' unalienable right to keep and bear arms, protected by the 2nd Amendment and therefore turning a right into a crime thereby being repugnant to both the Constitution for the United States of America and the New York State Constitution.

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The Writ Mandamus to Show Cause presented issues of both fact and law. All respondents were duly⁵ served with the Order to Show Cause. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings.

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Article III Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

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"If any of our civil servants shall have transgressed against any of the people in any respect; and, they shall ask us to cause that error to be amended without delay; or, shall have broken some one of the articles of peace or security; and, their transgression shall have been shown to four (4) Jurors of the aforesaid twenty five (25); and, if those four (4) Jurors are unable to settle the transgression, they shall come to the twenty-five (25), showing to the Grand Jury the error which shall be enforced by the law of the land." Magna Carta, June 15, A.D. 1215, 61.

Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *"The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury'. Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions. Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."*

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FINDINGS OF FACT

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

CONCLUSIONS OF LAW

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

IT IS ORDERED AND ADJUDGED THAT:

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

THE COUNTY SHERIFFS IS HEREIN ORDERED to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the Sovereign People for the exercising of their unalienable "right to keep and bear Arms", protected by the 2nd

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*⁶

THE COURT, entered this _____ day of _____, 2017.

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Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for ~~We~~ the People

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**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**
• 445 Broadway; Albany, NY. 12207-2936 •

Unified United States Common Law Grand Jury;¹
P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

Sureties of the Peace²

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY:

Grand Jury, Sovereigns of the Court
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- Against -

Governor A. Cuomo, N.Y.S. Senate Majority
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Jurisdiction: Court of Record, under
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Sureties of the Peace²

P.O. Box 59, Valhalla, NY 10595; Fax: (888) 891-8977.

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WY, WI, WY:

Grand Jury, Sovereigns of the Court
We the People

- Against -

Governor A. Cuomo, N.Y.S. Senate Majority
Leader John J. Flanagan and N.Y.S. Assembly
Speaker Carl E. Heastie

Defendants

Jurisdiction: Court of Record, under
the rules of Common Law³

Case NO: 1:16-CV-1490

Magistrate: Daniel J. Stewart

Decision and Order

Default Judgment; Entering a Default: *"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by Affidavit or otherwise [under seal], the clerk must enter the party's default."* FRCP Rule 55(a); FRCP Rule 58(b)(2); 28 U.S.C. §2243.

COMES NOW THE ABOVE-ENTITLED COURT OF RECORD, to review the record, summarily determine the facts, and dispose of the matter as law and justice require.⁴

¹ **The UUSCLGJ** is comprised of fifty Grand Juries each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² **SURETIES OF THE PEACE:** If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein. Magna Carta Paragraph 52.

³ **"A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ 28 U.S.C. §2243.

The Defendants, Governor A. Cuomo, N.Y.S. Senate, and N.Y.S. Assembly against whom a judgment for affirmative relief is sought, have failed to plead or otherwise defend as provided by these rules; and, that fact is made to appear by Grand Jury Foreman sworn under seal, see attached.

NOW, THEREFORE, THIS COURT OF RECORD issues this Default Judgment Coram Ipso Rege to dispose of the matter as law and justice require, to wit:

SUMMARY

On April 1, 2017, the Grand Jury acting as the Sureties of the Peace on behalf of the People filed in the above-entitled court of record and served upon the Governor and both houses of New York, a writ mandamus to show cause by what authority they act statutorily against the People thereby infringing upon the Peoples' unalienable right to keep and bear arms, protected by the 2nd Amendment and therefore turning a right into a crime thereby being repugnant to both the Constitution for the United States of America and the New York State Constitution.

"The claim and exercise of a constitution right cannot be converted into a crime." -- Miller v. U.S. 230 F 486 at 489

"There can be no sanction or penalty imposed upon one because of his exercise of Constitution rights." -- Sherar vs. Cullen 481 F 2D 946, (1973)

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" -- Miranda v. Arizona, 384 U.S. 436, 491

The Writ Mandamus to Show Cause presented issues of both fact and law. All respondents were duly⁵ served with the Order to Show Cause. The record shows that no respondent made any Return; no respondent requested more time to answer; and, no respondent provided any objection to the proceedings.

JURISDICTION OF THIS COURT

Article III Section 2: The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; therefore, this court has jurisdiction.

⁵ Duly: According to law, in both form and substance. Black's 6th.

AUTHORITY OF THE GRAND JURY AS SURETIES OF THE PEACE

"If any of our civil servants shall have transgressed against any of the people in any respect; and, they shall ask us to cause that error to be amended without delay; or, shall have broken some one of the articles of peace or security; and, their transgression shall have been shown to four (4) Jurors of the aforesaid twenty five (25); and, if those four (4) Jurors are unable to settle the transgression, they shall come to the twenty-five (25), showing to the Grand Jury the error which shall be enforced by the law of the land." Magna Carta, June 15, A.D. 1215, 61.

Justice Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), stated: *"The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury'. Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions. Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."*

"[R]ooted in long centuries of Anglo-American history," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It " 'is a constitutional fixture in its own right.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people. Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906). Although the grand jury normally operates, of

course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

FINDINGS OF FACT

Therefore, based upon the record before this court the court finds that:

- (1) The plaintiffs are People as contemplated in the Preamble of the Constitution for the United States of America.
- (2) This above-entitled court is a court of record.
- (3) All defendants were duly served; and, court personnel were apprised of the plaintiffs' claims and the Writ; all defendants had full Notice and fair opportunity to argue their cause; and, defendants did not argue their cause.
- (4) The defendants have not presented any evidence.
- (5) The plaintiffs have suffered an unlawful and illegal diminishment of rights that must be restored.

CONCLUSIONS OF LAW

Further, the court concludes that:

- (1) This above entitled court has the sovereign authority to proceed as a court of record with jurisdiction to act in the instant case and subject matter.
- (2) Because all defendants were duly served; and, court personnel were apprised of the plaintiff's Writ; and, because all defendants had full Notice and fair opportunity to argue their cause; and, did not so do; and, because none of the aforementioned persons made a Return, Objection, or Motion, the above-entitled court has acquired "in personam jurisdiction" of each of the defendants.

IT IS ORDERED AND ADJUDGED THAT:

Default Judgment is hereby entered by this court in accordance with Federal Rules of Civil Procedure, Rule 55(b)(2).

Governor A. Cuomo, N.Y.S. Senate and N.Y.S. Assembly cease all unconstitutional actions and stop blindly approving BAR legislation into laws that are repugnant to the Constitution. All legislation is to state clearly by what authority they act upon.

All legislative infringements upon the Second Amendment are hereby null and void in the United States including and not limited to N.Y.S. Code §265.20, §265.01, §700.00, §400.00, §265.00, §265.02, §265.35, §35.20, §265.10, §2230 (SAFE ACT)

THE COUNTY SHERIFFS IS HEREIN ORDERED to protect the People from state and federal law enforcement agents who are to cease and desist all abuse against the Sovereign People for the exercising of their unalienable "*right to keep and bear Arms*", protected by the 2nd

*Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit:*⁶


THE COURT, entered this _____ day of _____, 2017.

SEAL

Magistrate: Daniel J. Stewart

Grand Jury, Sureties of the Peace for ~~We~~ the People

SEAL


Grand Jury Foreman

⁶ Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20
Default Judgment